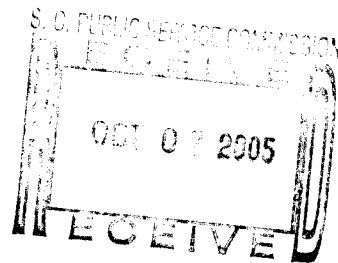




176847

October 4, 2005



The Honorable Charles Terreni
Chief Clerk and Administrator
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Revisions to Commission Rules

2005-354-A

Dear Mr. Terreni:

Please find attached Carolina Power & Light Company's d/b/a Progress Energy Carolinas, Inc. comments regarding the proposed revisions to Commission Rules 103-800, et seq.

Yours very truly,

A handwritten signature in black ink, appearing to read "Len S. Anthony".

Len S. Anthony
Deputy General Counsel-Regulatory Affairs

LSA:mhm

Attachment

227834

- Regarding the definition of “Formal Record”, staff memoranda and data submitted to the hearing officer or members of the Commission in consideration of the proceeding should not be part of the record of the proceeding unless it was served upon all parties prior to the hearing.
- Regarding the definition of “Intervenor”, the definition should be revised as follows: a person that demonstrates that the subject matter of a proceeding or the results of a proceeding will have a material and direct impact upon such person.
- The definition of “Person” should be revised to include limited liability companies.
- Regarding the definition of “Protestant”, this definition should be deleted and the concept of a protestant eliminated. An entity should not be allowed to express a view regarding a matter unless it qualifies to be an intervenor.
- Regarding Section 103-805, does this apply to all applicants that make a filing that may require a hearing? This rule requires the filing of an appearance bond in the amount of \$250.00.
- On page 18 under the heading Conduct of Proceedings, Subsection 1 provides that “all pleadings initiating formal proceedings shall . . .” It appears that the word formal should be deleted as that term has been deleted throughout the revised rules.
- Several rules including 103-818 refer to Rule 821(b) and 821(c) (also Rule 103-817), however, Section 103-821 does not have a section (b) or (c). Rule 103-825 with regards to petitions to intervene should include a provision that requires the petitioner to set forth the substantial interest of the petitioner that will be affected by the proceeding.
- The definition of “Intervenor” refers to Rule 103-836. The reference should probably be to 103-825.
- Regarding proposed Rule 103-827 which addresses “Protest” again, the concept of a protestant needs to be eliminated.
- Regarding Rule 103-833, concerning written interrogatories, it is appropriate at this time to revise it to allow the party upon whom the interrogatories are served at least 20 days to respond. Various references to rules throughout the rules must be revised to reflect the changes being proposed by the Commission.